IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Bail Appl..No. 6914 of 2006()

MP.5053/2006 of J.M.F.C.,PERUMBAVOOR
CR.NO.31/06 OF KALADY EXCISE RANGE.

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PETITIONER/ACCUSED

MOHANAN, S/O.VELAYUDHAN,
MUNDAKKAL VEEDU, MADHURIMA DESOM,
MALAYATTOOR VILLAGE, ALUVA TALUK.

BY ADV. SRI.T.K.SAJEEV

RESPONDENTS: COMPLAINANTS

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE EXCISE INSPECTOR,
KALADY EXCISE RANGE, ERNAKULAM DISTRICT.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION No. 6914 OF 2006

DATED THIS THE **27th** DAY OF NOVEMBER, 2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner who is the accused in Cr.No.31/06 of Kalady Excise Range for an offence punishable under Section 55(i) of the Abkari Act, for having been found in possession of 1.750 liters of arrack on 14.11.2006, seeks his enlargement on bail. The petitioner was arrested on the same day.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is also an accused in another case involving similar offence.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-